

Checklist for Determining Progress of State NPS Management Programs in 2012

Oregon Department of Environmental Quality (ODEQ)

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(Also see R10 annual progress review letter and detailed comments)

Regions should review the progress that each State is making in implementing its nonpoint source (NPS) management program and provide written documentation of this progress. Specifically, and at a minimum, prior to awarding grants under section 319(h), Regions should document the extent to which each State meets foundational aspects of program progress and 319 grant management. For this interim guidance the following approach applies. These aspects should be assessed as a whole in making a determination, with each response constituting information, or a line of evidence, that will lead towards a decision based on the region's best professional judgment. Regions retain latitude for how each checklist response is weighted and have the flexibility to incorporate additional considerations in their determinations; negative responses to a question may be supplemented with a justification or description of a corrective action underway.

The final determination of progress of State NPS management programs is to be made by the Regional Administrator or delegated authority. The checklist for this determination should be completed by the appropriate regional 319 program staff (typically, the CWA Section 319 Grant Project Officer for non-PPG awards and the CWA Section 319 NPS Program Coordinator for states that include 319 grant awards in a PPG) and included with the documentation for the grant.

Meeting Statutory and Regulatory Requirements and Demonstrating Water Quality Results

1. Section 319(h)(8) requires EPA to determine if a state has made satisfactory progress in meeting a schedule of milestones to implement its NPS management program.
 - a) Has the state updated its NPS Management Program with up-to-date trackable performance milestones and/or has the state established up-to-date trackable performance milestones for reducing NPS pollution as a result of an ongoing continuous planning process? **Response:** Oregon DEQ has not completed an update to their previously-approved 2000 NPS Management Plan, however is planning to prepare an update, which is scheduled for completion in 2013. In the interim, Oregon DEQ is operating under the overall goals and objectives of the 2000 Plan. More specific trackable tasks have been included and updated in the Oregon PPG workplan(pertaining to the NPS and Section 319 programs) and are tracked primarily through that PPG and the detailed annual NPS performance report (the most recent covering the CY2012 period).

- b) In what document(s) is this schedule located? States that include 319 grants in PPGs should also consider any Priorities and Commitments associated with the State's NPS management program. **Response:** See above response. Note, Oregon DEQ and EPA R10 operate under a two-year PPG and PPA which includes NPS and 319 commitments, including one to update their NPS plan. Oregon's 319 funds go into both the PPG and into yearly categorical 319 grants directly funding local 319 implementation projects.
- c) Has the State reported its progress in meeting the schedule of milestones? In what document is this progress reported (annual report, other—specify)? **Response:** Annual progress is reported through: (1) the annual NPS progress report, (2) the Grants Reporting and Tracking System (GRTS), and (3) the Oregon DEQ/EPA R10 PPA/PPG.
- d) Does this report required by section 319(h)(11) cover progress made over the previous fiscal year (i.e., not two or more years ago)? **Response:** Yes, the most recent (2012) annual report covers calendar year 2012.
2. Section 319(h)(11) requires each State to report on an annual basis reductions in NPS pollutant loading and improvements in water quality.
- a) Considering projects and activities from all open grants as applicable, has the State reported improvements in water quality resulting from implementation of its NPS management program and/or previous years' 319(h) grant work plans? Using best professional judgment, did the State report on incremental water quality improvements for NPS-impaired waterbodies or watersheds (e.g., improvements that have not yet led to attainment of water quality standards)? **Response:** Monitoring is being primarily conducted under Oregon's ambient monitoring program. Limited post-project monitoring is being conducted, however additional emphasis on (and funding for) effectiveness monitoring is needed to report incremental water quality improvements resulting from project implementation. See following discussion of state reporting of water quality improvements through "showing progress" and WQ-10 Success Stories.
- b) Did the State meet its annual commitment/target/goal (if any) under WQ-10? **Response:** Although there is no state-specific target, the Oregon DEQ/EPA PPG includes a commitment to prepare Success Stories documenting either water quality progress or water quality restoration/attainment (WQ-10). Oregon has one WQ-10 story (Diamond Lake), and two additional "showing progress" Success Stories for Oregon (Bear Creek and Tualatin River) have been completed and posted on the EPA Success Story website.
- c) If applicable, did the State meet its annual commitment/target/goal under WQ-SP12 for NPS-impaired watersheds? **Response:** Not applicable (as state specific target or goal).
- d) To the extent that information is available, did the State achieve and report load reductions for pollutants beyond sediment and nutrients (e.g., bacteria) pursuant to implementation of TMDLs and watershed plans? [Per 319(h)(11), this applies to the state's NPS management program, not just the 319-funded portion.] Briefly explain.

Response: The state is monitoring for pollutants under which TMDLs were prepared and reported load reductions toward the national targets as required through GRTS, for nitrogen, phosphorus, and sediment. However the state also has reported water quality improvements for other impairments (e.g. bacteria, temperature) through its Success Stories (both those posted on the EPA site and other state success stories).

GRTS Reporting

For this section, it is sufficient to report on the results of previously conducted post-award grants monitoring. No additional monitoring may be needed.

1. To ensure that the State meets the reporting requirements in section 319(h)(11), did the State enter all mandated data elements into GRTS (including geo-locational tags where available) for all projects in the previous 319 grant award on time? Please also specify what length of time the Region allows for this. [The national requirement is “within 90 days of grant award”; the Regional requirement may be shorter.] **Response:** The Region follows previous HQ guidance indicating that the mandated elements (for previous year projects) be entered by April 1, and Oregon meets this requirement. Although the Oregon 319 grants are conditioned to enter mandatory elements within 90 days of award, all 319 project sub-grant mandated elements may not entered strictly within 90-days of the state 319 grant award.
2. For all active projects that have nonpoint source reduction goals for nutrients or sediment, is the State reporting load reductions (WQ-9) into GRTS after the first year of project implementation? Did the State report them by the February 15 deadline for the previous fiscal year? (i.e., Were load reductions reported for all projects implementing BMPs in FY2010 entered by Feb 15, 2011?) **Response:** Yes, Oregon met the 2/15/12 (and also the 2/15/13) load reduction reporting deadlines.

Implementing Priority Watershed-Based Plans

1. Is the State implementing nine-element watershed-based plans with at least 80% of its incremental funds in accordance with EPA’s guidelines for CWA 319(h) grants? If this was determined during the Region’s reviews of the State’s active grant workplans, is it sufficient to document the results of these previous findings. **Response:** Oregon does direct at least 80% of its 319 incremental funds (going into both the categorical 319 grants and into their PPG) to local implementation project subgrants, and to NPS and TMDL program staff activities which support TMDL and watershed-based plan integration and implementation in impaired waters. EPA continued to work with Oregon to incorporate the nine key watershed-based plan elements into the state TMDL implementation planning process involving the state designated management agencies. EPA Region 10 reviewed and approved all Oregon 319 project workplans.
2. Are plans being implemented for the highest priority NPS-impaired watersheds consistent

with EPA's guidelines for CWA 319(h) grants (e.g., those with completed TMDLs, those where other state, federal or local agencies are also contributing funding) or in special circumstances for protection of high priority watersheds that are not yet impaired?

Response: Yes. Also see above response.

Ensuring Fiscal Accountability

For this section, it is sufficient to briefly report on the results of previously conducted grants management and oversight required of all project officers.

1. *Tracking and Reporting.* For all active 319(h) grants using existing post-award monitoring or best professional judgment:

- a) Does the State have adequate tracking and fiscal reporting practices in place for financial accountability? **Response:** Yes
- b) Is State's RFP process efficient and timely for selecting and funding projects within work plan timeframe? **Response:** Yes
- c) Did the State obligate all 319(h) funds within one year per current 319 grant guidelines?

Response: Yes

2. *Rate of Expenditures.* Examine a summary of expenditures for all open 319 grant awards listing the following: State; grant #; FY; project period; grant award amount; balance (unliquidated obligation); percent unliquidated obligation. This information could also be pulled from other EPA tools such as GRTS or the Post Award Baseline Tracking Tool. Include a State total of grant award amount, balance and percent unliquidated obligation. Please reference the source and date of information used to answer the question below.

Response: Source for below for Oregon is Compass, EPA Financial Data Warehouse as of 5/03/13. Note that Oregon's 319 funds (PRC 202B01E) were drawn from five open categorical 319 grants ("C9" code) and from the current 2-year state PPG ("BG" code) during 2012:

OREGON DEQ- CWA 319 Grant Balances (Unliquidated Obligations)								
Based on Compass Federal Data Warehouse Online as of May 3, 2013 (319 - PRC 202B01E awarded funds)								
	Grant #	FY	Project		Period	Grant Award Amount	Balance (ULO)	% ULO
OR	C900045108	08	05/01/08	-	12/31/12	\$ 1,387,400	\$ 0	0%
OR	C900045109	09	05/01/09	-	12/31/13	\$ 1,687,109	\$ 97,985	5.8%
OR	C900045110	10	06/01/10	-	12/31/14	\$ 1,381,409	\$ 266,271	9.7%
OR	C900045111	11	07/01/11	-	12/31/14	\$ 1,111,832	\$ 548,127	49.3%
OR	C900045112	12	06/01/12	-	12/31/15	\$ 905,000	\$ 872,700	96.4%
OR	BG00J56501	12	07/01/12	-	06/30/14	\$ 1,248,951(PPG)	\$ 52,584	4.2 %
				-				
OR	Total:					\$ 7,721,701	\$ 1,837,667	23.8%

- a) Relying on best professional judgment or empirical evidence as may be available, do the figures in the Rate of Expenditures chart substantially match the expected drawdown rates from the associated grant work plan schedules? **Response:** Yes. If not, briefly

explain. NOTE: grants performance reviews are conducted through IGMS post-award monitoring, advanced post award monitoring (checklist and letter reviews), annual state NPS performance reports, OR PPG reviews, GRTS, and satisfactory progress reviews and determinations, which are documented through letters to the state (see grant PO files for individual 319 grants).

Considering PPG Priorities and Commitments

1. If a State puts part or all or part of its 319 grant funding in a PPG, using best professional judgment, has the state adequately documented progress consistent with its Priorities and Commitments? **Response**: Yes, Oregon adequately documented progress made in 2011 in the NPS annual report for the portion of 319 funds going into the PPG, including progress under the PPG Priorities and Commitments.

Identifying and Addressing Performance Issues/Progress Concerns

- 1) Briefly describe any significant outstanding 319 grant performance issues or progress concerns, including if any corrective actions are underway. **Response**: There are no significant outstanding 319 grant performance issues or progress concerns. The primary issues addressed in the satisfactory progress determination review letter for Oregon are: (1) the need for the state to update their 2000 NPS management plan and priorities, and (2) to continue to leverage 319 funds with other funding sources and focus funding toward implementation of watershed-based/TMDL plans.